IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

III.   Amendments to the Claims.

There are no current amendments to the Claims.

5

IV.   Amendments to the Drawings.

There are no current amendments to the drawings.

5

V.   Remarks

A.   Rejection of Claims 1, 10 and 15 as Being Allegedly Unpatentable Under 35 U.S.C. §112, First Paragraph.

5   The rejection alleges that certain features of Applicant's claims were not disclosed in the Specification. In particular, the rejection alleges the following:

> Claims 1, 10 and 15 recite a limitation *sending home page data including information that enables the home page to include goods not available at the franchise store but available at the headquarter*, that was not described in the specification. (Office Action, dated 02/11/2008, Pages 2-3).

Applicant respectfully disagrees with this allegation. The Specification, as originally filed, describes a Franchise System having a Server for Internet (H.Server):

> [A] Franchise System... will establish the Headquarter for Internet business. Also, the Headquarter will set up the Server for Internet (hereafter, referred to as "H.Server"). (Applicant's Specification (original), Page (1), Last Three Lines).

The H.Server includes a Home Page Creation System, as well as a Home Page Sending Service:

> H.Server shall consist of the following data and systems... (Applicant's Specification (original), Page (2), Line 3).

> Home Page Creation System... will be able to... get all the necessary *merchandise information*... At the same time, it will be able, through each Store's Home page Data Memory System, to collect each Store's Home Page Data... (Applicant's Specification (original), Page (2), Lines 8-11, emphasis added).

> Home Page Sending Service, will be used in order to send the Home Page... (Applicant's Specification (original), Page (2), Lines 13-14).

The Specification then describes the System and Home Pages in a manner the clearly supports the above noted features of Applicant's claims.

5   In the System, each Member Store... is able to show the customized Home Page to its members. Morever, each Store can supply many kinds of goods information, not only for its own stock items *but also for other goods based on the hug scale of data in Headquarter*. (Applicant's Specification (original), Page (5), Lines 4-8, emphasis added).

10   Applicant submits the above clearly provides support for the claim features identified by the rejection, particularly in light of the well established standard for enablement.

        Any analysis of whether a particular claim is supported by the disclosure in an application requires determination of whether that disclosure, when filed,

15   contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention.[1]

Because the Specification supports all the limitations of the currently pending claims, this ground for rejection is traversed.

20

B.   Rejection of Claims 1, 3, 6-10, 12-13 and 15-18 Under 35 U.S.C. §103(a), as allegedly being unpatentable based on *Wittsche* (U.S. Patent No. 6,556,975) in view of *Cronin* (U.S. Patent Publication No. US 2001/0032145 A1) further in view of *Burg et al.* (U.S. Patent No. 6,456,699) and further in view of *Reyda et al.* (U.S. Patent Publication 2002/0002501), even

25 **further in view of *Johnson et al.* (U.S. Patent No. 5,712,989).**

        As is well known, in proceedings before the Patent and Trademark Office, the examiner bears the burden of establishing a prima facie case of obviousness based on the prior art.[2]

        A standard for patentability with respect to obviousness has been enunciated by the Supreme Court of the United States.

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        Under § 103, the scope and content of the prior art are to be determined; differences

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[1] MPEP §2164.01.
[2] Ex parte Obukowicz, 27 USPQ 1063, 105 (B.P.A.I. 1992).

between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined[3]

5   Applicant respectfully submits that Applicant's claims are not obvious over the cited reference teachings and rejection rationale.

B.1.   Scope and Content of the Cited art.

10   B.1.a. Applicant's Understanding of *Wittsche.*

Wittsche teaches a computer system and method for providing an on-line mall. In particular, *Wittsche* teaches an on-line mall that presents one page for all stores in the mall. All mentions of a "home page" set forth within *Wittsche* describe one homepage: that of the on-line mall, not any particular store within a community of the on-line mall:

15

The search engine, advertisements, browsing options, and gift registry options are show in *the home page* or initial page *of the on-line mall website*. (*Wittsche*, Col. 10, Lines 37-49, emphasis added).

20   If the customer selects step 810 the advertisement in FIG. 12A being displayed on *the home page* website *of the on-line mall*, then the specific merchandise displayed in the advertisement is displayed in step 836 in FIG. 12B. (*Wittsche*, Col. 10, Lines 37-49, emphasis added).

25   If upon entry into *the on-line mall home page* the customer selects to enter the gift registry in step 814 in FIG. 12A, the gift registry page is displayed in step 837 in FIG. 12B. (*Wittsche*, Col. 11, Lines 10-11, emphasis added).

Thus, the discussions of home pages within the reference *Wittsche* are directed to a single home
30   page for the entire on-line mall.

Within the on-line mall, individual merchants can establish an on-line mall store. Importantly, the on-line mall stores are described as having a restricted inventory:

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[3] Graham v. John Deere, 383 U.S. 1 (1966).

The on-line mall store is viewed as a separate store of the overall merchant's store that may be available on a different website than the on-line mall. Thus, ***the on-line store includes a subset of the merchandise available from the merchant***. (*Wittsche*, Col. 8, Lines 30-34, emphasis added).

5

As understood from all of the above, *Wittsche* teaches a <u>single</u> homepage for an on-line mall. Individual on-line mall stores are accessible from the on-line mall website. Such on-line mall stores include <u>a subset</u> of merchandise available from a merchant.

10 B.1.b. <u>Applicant's Understanding of *Cronin.*</u>

Cronin teaches a method for using a web-based marketing and/or management tool. *Cronin* teaches that a uniform resource locator (URL) includes a protocol indicator, a host name, a domain name, and an extension:

15 [T]he URL of the main web page for the White House is http://www2.whitehouse.gov. The protocol, located before the colon, indicates which protocol to use in requesting the web page... the hostname, www2, which identifies the computer server, and the domain name, whitehouse. The .gov extension identifies the computer as belonging to the United States government.

20 Other common extensions are .com... and .edu... (*Cronin*, Paragraph [0004]).

Thus, *Cronin* teaches the composition of a url.

Cronin also teaches an arrangement in which a customer accesses a group website with a group url, and then accesses individual business owner information by entering <u>a unique site-code</u>

25 when at the group website.

[A]ccessing the web-site by the at least one potential customer using the group URL... inputting the first ***unique site-code*** to an input field of the web-site by the at least one potential customer. Fifth, accessing the customized information to the

30 individual business owner by the at least one potential customer. (*Cronin*, Paragraph [0013], emphasis added).

Unique site-codes of *Cronin* are never shown or suggested to be related to url content.

Cronin teaches its system is usable for each member of a business franchise:

> [C]ollateral material 100 is developed for each... member of... business franchise. (*Cronin*, Paragraph [0027]).

Importantly, the use of unique site codes allows multiple members (e.g., members of a business franchise) to have their own websites under a single URL.

> The present invention relates... in particular to a method... *that allow multiple users to have their own web-sites under a single URL*. (*Cronin*, Paragraph [0026], emphasis added)

Accordingly the above shows an arrangement that can allow members of a franchise to have their own web-sites under a single URL by accessing the one URL and then entering a unique code.

B.1.c. Applicant's Understanding of *Burg et al.*

Burg et al. teaches the web-based generation of telephone-based interactive voice response applications. Like *Wittsche, Burg et al.* teaches a single homepage:

> These two structured databases are accessible to a Web server 82 which is registered as *the homepage* URL... The server functions as *the homepage* URL and URL of all linked pages. (*Burg et al.*, Col. 7, Lines 58-63, emphasis added).

> [T]he system creates *a home page* using the introductory IVR menu 25... *The home page* includes this non-response information... (*Burg et al.*, Col. 9, Lines 16-19, emphasis added).

Thus, *Burg et al.* teaches a system that creates one home page using various types of information.

B.1.d. Applicant's Understanding of *Reyda et al.*

Reyda et al. teaches a system and method for independent retailer (IR) business-to-

business market exchange, where such IRs can be franchised members:

> The invention is... Internet trade exchange designed as a full-service marketplace
> for... small business retailers... The "independent retail sector" as used in this
> specification and appended claims means retailers that are: (a) franchised and/or
> independently owned and/or independently operated (collectively "IRs")...(*Reyda
> et al.*, Paragraph [0025]).

Thus, *Reyda et al.* teaches an Internet trade exchange for use with franchised business retailers.
Reyda et al. also teaches a web page that can typically be a home page. However, as in
the case of *Wittsche* and *Cronin* above, it is but a single web page for viewing by the stores of a
customer:

> FIG. 9C illustrates the display of a web page, typically <u>a</u> home page, showing
> typical components for creating the Community. In one embodiment, each
> customer wishing to utilize the brand deployment system may have <u>a</u> customized
> communities page for viewing by their stores. (*Reyda et al.*, Paragraph [0073],
> emphasis added).

Thus, *Reyda et al.* teaches a trade exchange for retailers that can be franchised, where a
community depicted in a single home page.

B.1.e. <u>Applicant's Understanding of *Johnson et al.*</u>

Johnson et al. discloses a just-in-time (JIT) requisition and inventory management
system. *Johnson et al.* teaches a host computer and local computer having two-way
communication in a real time environment.

> In accordance with the present invention, a requisition and inventory management
> system employs both a host computer and a local computer which can be linked to
> permit two-way data communications in a real time environment. (*Johnson et al.*,
> Col. 2, Lines 5-9).

Johnson et al. teaches that both the host and local computer each have their own database. In

response to a requisition at one computer, data is transmitted to allow the other computer to update its database or continue processing the requisition.

By accessing its respective database, each computer can build and transmit to the other computer communications blocks of data relating to a particular requisition of an item in JIT inventory or to the management of the JIT inventory. The other computer can then use the received data to continue processing of the requisition or to update its JIT inventory records. (*Johnson et al.*, Col. 2, Lines 10-14).

A local database (40) of a local computer (50) contains records of items in <u>one</u> facility (a JIT facility):

Local database 50 is a relational database containing records describing the items... stored in <u>*a*</u> Just-In-Time (JIT) facility 51, which may be a separate warehouse, a designated portion of Distributor's warehouse or a stockroom or other room located on a Customer's site. (*Johnson et al.*, Col. 4, Lines 23-28).

Applicant acknowledges that the database of items in the JIT facility can includes items having different ownership (some owned by the customer, others by a distributor), however, the items remain <u>at the same location</u> (i.e., no item is taught as being available at one location, and not at another).

In this embodiment, certain items in the JIT facility 51 are Distributor-owned inventory 52, while others are Customer-owned inventory 54. While the present invention is applicable to the management of inventory at the JIT facility 51 which is all customer-owned inventory 54, in most cases the JIT facility 51 contains only Distributor-owned inventory 52 or contains both types of inventory 52 and 54. Where both types of inventory are present, each Product is usually located in a unique location or bin, ***but the bins containing Distributor-owned inventory 52 are not segregated from the bins containing Customer-owned inventory 54.*** (*Johnson et al.*, Col. 4, Lines 28-39, emphasis added).

Thus, *Johnson et al.* teaches a system that includes a computer having a database that describes

items that can have different ownership that are stored at <u>one</u> facility.

B.2.   <u>Differences Between the Cited Art and Independent Claim 1</u>.

Claim 1 is directed to a franchise system for organizing and establishing a headquarter for business transactions over a network. The franchise system includes at least one headquarter network server, a plurality of franchise store servers, and a plurality of member servers.

The at least one headquarter network server includes, among other features, a merchandise information memory data that includes information for goods sold by the franchise stores, <u>as well as goods not available at one of the franchise stores, but available at the</u> <u>headquarter</u>, a home page creation system <u>that accesses the merchandise information memory</u> <u>data for merchandise information to create a home page of each franchise store</u>, and a franchise store ID system that matches franchise stores to the member accessing the franchise system based on uniform resource locator value set up in advance according to predetermined rules, the uniform resource locator values <u>include a first portion unique to each franchise store and a</u> <u>second portion common to all franchise stores and the headquarters.</u>

In addition, the at least one headquarter network server is configured to send home page data for the home page of each franchise store to at least one predetermined member server, <u>including information from the merchandise information memory data that enables the home</u> <u>page of each franchise store to include goods not available at the franchise store but available at</u> <u>the headquarter.</u>

Among the differences between the cited art and claim 1 are the following:

1) *Wittsche* teaches a method and system that provides <u>one home page</u>. In contrast, Applicant's claim 1 "home page creation system" creates "a home page of each franchise store".

2) *Wittsche* teaches on-line mall stores accessible from the one home page with <u>restricted</u> <u>inventories</u>. Applicant's claim 1 invention recites the opposite: an expanded inventory: "goods not available at one of the franchise stores, but available at the headquarter" where such data "enables the home page of each franchise store to include goods not available at the franchise store but available at the headquarter".

3) *Cronin* teaches multiple business members (which can be members of a franchise) having websites under a single URL. In sharp contrast, Applicant's claim 1 recites multiple urls "the uniform resource locator value<u>s</u>" (emphasizing the plural). Further Applicant's claim 1 urls include "a first portion unique to each franchise store and a second portion common to all franchise stores and the headquarters". *Cronin* is utterly silent as to commonality of url portions.

4) *Burg et al.* teaches an arrangement with a single home page. As emphasized above, Applicant recites multiple home pages.

5) *Reyda et al.*, like all the other references cited above, teaches but <u>one</u> homepage for a customer implementing the invention. Again, Applicant's claim 1 recites multiple home pages.

6) *Johnson et al.* teaches a database that describes items at a single JIT facility. As noted above, Applicant's claim 1 invention is different, enabling "the home page of each franchise store to include goods not available at the franchise store but available at the headquarter".

B.3. Applicant's claim 1 is Nonobvious Over the Cited References.

B.3.a. Error #1 – Rejection has not show all the limitations of Applicant's claims.

Applicant believes that the above analysis has established that none of the cited references shows various features of Applicant's claim, including:

1) "a merchandise information memory data that includes information for goods sold by the franchise stores, <u>as well as goods not available at one of the franchise stores, but available at the headquarter</u>"

2) "a home page creation system <u>that accesses the merchandise information memory data for merchandise information to create a home page of each franchise store</u>.

3) "the uniform resource locator values <u>include a first portion unique to each franchise store and a second portion common to all franchise stores and the headquarters</u>"

4) "the at least one headquarter network server is configured to send home page data for the home page of each franchise store to at least one predetermined member server, <u>including information from the merchandise information memory data that enables the home page of each franchise store to include goods not available at the franchise store but available at the headquarter</u>".

That is, the cited combination of references does not show shows all the limitations of amended claim 1.

For this reason, Applicant does not think that the rejection can demonstrate that any of the above listed features is an existing prior art or known element. Therefore, the claim 1 invention cannot be considered a combination of *prior art* elements according to known methods, a simple substitution of one *known element* for another, a use of a *known technique* to improve a similar device in the same way, nor a *known work* (or variation thereof) in one field of endeavor the prompts its use in the same or different field.

Further, the rejection has not argued that Applicant's claim 1 invention is an obvious choice from a finite number of predictable solutions, as the rejection reasoning has not identified any list of predictable solutions from where Applicant's features (not demonstrated to be present in the prior art teachings) are selected from.

For these reasons alone, the rejection has not established a prima facie showing.

In addition or alternatively, in alleging Applicant's claim 1 is obvious, the rejection strings together five different references to arrive at but only a subset of Applicant's claim features. While the rejection has proposed modifying *Wittsche*, in view of *Cronin*, further in view of *Reyda et al.*, even further in view of *Burg et al.*, still further in view of *Johnson et al.*, Applicant believes the rationale presented cannot present a prima facie showing of obviousness for numerous reasons.

B.3.b. Error #2 - Rationale for combining *Wittsche* in view of *Cronin* has no rational basis.

The rationale for combining *Wittsche* in view of *Cronin* relies on the following assertion:

Cronin teaches an ecommerce system, wherein the uniform resource locator value includes a first portion unique to each store and second portion common to all franchise stores and the headquarters (Para 0004 and Para 0014). (See the Office Action, dated 02/11/2008, Page 8, Lines 1-3).

Applicant submits that the above is but a conclusory statement, and hence cannot establish a prima facie showing.

[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.[4]

An examination of paragraphs [0004] and [0014] of *Cronin* show that the claimed url teachings are not present in the reference. Further, the above rationale statement contradicts the express teachings of the cited reference, as noted above:

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[4] KSR International Co. v. Teleflex Inc., 127 S. Ct. 1727, 1741 (2007) (quoting In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

The present invention relates... in particular to a method... that allow multiple users to have their own web-sites *under a single URL. (Cronin*, Paragraph [0026], emphasis added)

5   Applicant submits the rejection errs a second time, by basing the conclusion of obviousness on a teaching that is baseless, and it is admitted by the rejection to be an <u>optional</u> feature. To show Applicant's feature of

10   "the uniform resource locator values include a first portion unique to each franchise store and a second portion common to all franchise stores and the headquarters.." (from Applicant's claim 1),

the rejection reasoning relies on the following statements.

15   [A] URL specifies... *optionally, the path to a resource (such as an HTML document or a file on that server)*... By definition, a URL... already includes what applicant refers to as "unique compound address" and a "subaddress", i.e., identifier(s) after a domain name that uniquely identify the path to a resource... (Office Action, dated 02/11/2008, Page 9, Lines 3-10, italics in original, bold

20   added).

Applicant submits this reasoning errs for two reasons.

First, this reasoning remains baseless. <u>Applicant has previously requested that the source of this factual finding be made of record</u> [5](i.e., official notice be taken, or citation to a reference

25 be made) to afford Applicant a fair opportunity to understand the rejection rationale. To date, however, no source for this conclusion has been presented.

Second, the reasoning itself notes that the feature at issue is <u>optional</u>. Thus, even if this conclusory statement could be supported by the record, it is submitted that the rationale fails to present an articulated reasoning. Simply finding that features are present in the prior art is not

30 sufficient to support a conclusion of obviousness:

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[5] See Applicant's Response to Office Action, dated 11/09/2007, Page 17, Lines 19-20.

[A] patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art... *it can be important to identify the reason that would have prompted a person... to combine the elements in the way the claimed new invention does.* This is so because... claimed inventions almost of necessity will be combinations of what, in some sense, is already known. [6]

Accordingly, because the rejection reasoning relied upon for combining *Wittsche* in view of *Cronin* is based in error, it cannot provide the necessary rational underpinning for a prima facie case of obviousness. For this reason, the rejection of claim 1 is traversed.

B.3.c. Error #3 - Rationale for Combining *Wittsche* in view of *Cronin* further in view of *Burg et al.* has no rational basis

The rationale utilized to combine these three reference is as follows:

It would have been obvious... to modify Wittsche and Cronin to include a home page creation system that accesses the merchandise information memory data... to create a home page of each franchise/community store, as disclosed in Burg, because it would advantageously allow customers/visitors to access basic information about all the retail stores, their locations, products/services provided without physically visiting those stores, thereby increasing customer service. (See the Office Action, dated 02/11/2008, Page 8, Line 18 to Page 9, Line 3).

Applicant finds two errors in this reasoning.

First, the following factual assertion of the above reasoning is an erroneous reading of the reference:

[T]o create a home page of **each** franchise/community store, as disclosed in Burg...

Burg et al., like *Cronin* and *Wittsche* never teaches <u>multiple home pages</u>, only a single home page. Applicant submits that this has been established above in Section B.1.c. Thus, it is submitted that the assertion that *Burg et al.* teaches the creation of home pages for each of multiple stores is error.

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[6] KSR International Co. v. Teleflex Inc., 127 S. Ct. 1727, 1742 (2007), emphasis added.

Second, this reasoning is baseless. Absent an identifying source or other rational support for the above conclusory statement, the only other source would appear to be Applicant's teachings, which would be prohibited hindsight.

Accordingly, because the rejection reasoning relied upon for combining *Wittsche* in view of *Cronin* further in view of *Burg et al.*, it cannot provide the necessary rational underpinning for a prima facie case of obviousness.

B.3.d. Error #4 - Rationale for Combining *Wittsche* in view of *Cronin* further in view of *Burg et al.* further in view of *Reyda et al.* has no rational basis.

The rationale for further combining *Reyda et al.* with the combination *Wittsche/Cronin/Burg et al.* is as follows:

> [I]t would have been obvious... to modify Wittsche, Cronin, and Burg to include that said communities to include franchise stores, as disclosed in Reyda, because it would advantageously allow one to offer well known brand names of goods and/or services, which would attract more customers, thereby increasing revenue. (See the Office Action, dated 08/09/2007, Page 9, Lines 8-12).

Applicant submits that this reasoning errs for the same reason as the previous rationales: it is unsubstantiated, and hence cannot establish a prima facie case of obviousness.

B.3.e. Error #5 - Rationale for Combining *Wittsche* in view of *Cronin* further in view of *Burg et al.* further in view of *Reyda et al.* even further in view of *Johnson et al.* has no rational basis.

The rejection relies on the following reasoning:

> It would have been obvious... to include that said network server... enables the home page of each franchise store to include goods available at the franchise store but not available at the headquarter... as disclosed in Johnson... (Office Action, dated 02/11/2008, Page 10, Lines 3-10).

Applicant submits this is clear error as *Johnson et al.* provides no such teaching. As clearly established in Section B.1.e. above, *Johnson et al.* teaches a JIT system where local databases store information about items at <u>one</u> JIT facility.

Because the rejection rests on an erroneous interpretation of the cited reference *Johnson et al.*, it cannot provide the requisite rational underpinning for a prima facie case of obviousness.

B.3.f. Applicant's showing would rebut any prima facie showing.

Even if the reference teachings were combinable as proposed by the rejection, Applicant submits the above showing rebuts any prima facie case of obviousness.

As noted above, *Cronin* expressly teaches allowing users to have multiple websites under one url. This teaches directly away from Applicant's features of multiple homepages having different urls between franchise stores. Such indicia of nonobviousness have been well recognized by the Federal Circuit:

> A prima facie case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention.[7]

For all of these reasons, the rejection of claim 1 is traversed.

B.4. Differences Between the Cited Art and Independent Claim 10.

The invention of claim 10 is directed to an electronic franchise shopping system for a plurality of franchise stores that comprises a plurality of franchise store servers and at least one headquarter network server.

The at least one headquarter network server comprises a goods master data base that stores goods information for goods sold by the plurality of franchise stores, such goods including goods available at a particular franchise store and not available at the particular franchise store but available at a headquarter, a member entry data base, a franchise store data base, a franchise store identification (ID) system.

The at least one headquarter network server is configured to provide a home page for an accessing member according to unique web page data for each franchise store and goods information from the goods master data base that enables the home page to include information for goods not available at the particular franchise store but available at the headquarter.

Differences between claim 10 and the cited art are noted below.

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[7] In re Geisler, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997).

1) *Wittsche* teaches a method and system that provides <u>one home page</u>. In contrast, Applicant's claim 1 includes "at least one headquarter network server configured to provide a home page... according to unique web page data for each franchise store".

2) *Wittsche* teaches on-line mall stores accessible from the one home page with <u>restricted inventories</u>. Applicant's claim 10 invention recites the opposite: an expanded inventory of "goods not available at the particular franchise store, but available at the headquarter" where such data "enables the home page of each franchise store to include goods not available at the franchise store but available at the headquarter".

3) *Burg et al.* teaches an arrangement with a single home page. As emphasized above, Applicant recites multiple home pages.

4) *Reyda et al.*, like all the other references cited above, teaches but <u>one</u> homepage for a customer implementing the invention. Applicant recites a home page "for each franchise store".

B.5. Claim 10 is Nonobvious Over the Cited References.

Applicant incorporates by reference the same essential comments set forth above for claim 1 above. In particular, because the cited art appears to lack various features of claim 10, Applicant does not believe that the rejection can demonstrate that "a goods master data base including goods available at a particular franchise store and not available at the particular franchise store but available at a headquarter" or "at least one headquarter network server that enables the home page to include information for goods not available at the particular franchise store but available at the headquarter" are existing prior art or known elements. Accordingly, Applicant does not believe that claim 10 can be considered a combination of *prior art* elements according to known methods, a simple substitution of one *known element* for another, a use of a *known technique* to improve a similar device in the same way, nor a *known work* (or variation thereof) in one field of endeavor the prompts its use in the same or different field. No evidence has been presented to show that claim 10 is an obvious choice from a finite number of predictable solutions.

Further, the rational relied upon to allege obviousness is based on various errors, and teachings present in the cited reference teach away from combination as well as the rejected claim.

For these reasons, Applicant respectfully requests the rejection of claim 10 be reconsidered.

B.7. <u>Differences Between the Prior Art and Independent Claim 15</u>.

The invention of claim 15 is directed to an electronic franchise shopping system for a plurality of franchise stores, comprising: at least one headquarter server and a plurality of franchise servers each corresponding to a different franchise store.

5   The at least one headquarter server includes a goods master data base that stores merchandise data for merchandise sold by all franchise stores, a member entry data base, a franchise store data base that stores the franchise store code for each franchise store, <u>a home page data base that stores home page data for each franchise store</u>, a franchise store identification (ID) system, and an order processing system.

10   The at least one headquarter server is configured to send home page data according to a first type universal resource locator (url) and a plurality of second type urls, the first type url comprising a url common to the system, <u>each second type url corresponding to a different franchise store</u>. The at least one headquarter server is also configured to <u>send a unique home page for each second type url</u>, each such unique home page including merchandise data for

15   <u>merchandise available at the franchise store, and merchandise not available at the franchise store but available at a headquarter location</u>.

Differences between claim 15 and the cited art are noted below.

1) *Wittsche* teaches a method and system that provides <u>one home page</u>. In contrast, Applicant's claim 15 recites "home page data for each franchise store" as well as "at least one

20   headquarter server that sends home page data according to a plurality of second type urls" with each second type url "corresponding to a different franchise store".

2) *Wittsche* teaches on-line mall stores accessible from the one home page with <u>restricted inventories</u>. Applicant's claim 15 recites the opposite: an expanded inventory "merchandise not available at the franchise store, but available at a headquarter location".

25   3) *Cronin* teaches multiple business members (which can be members of a franchise) having websites under a single URL. Applicant's claim 15 recites multiple urls, including "a first type" url and a "plurality of different second type urls".

4) *Burg et al.* teaches an arrangement with a single home page. Applicant recites multiple home pages in claim 15.

30   5) *Reyda et al.* teaches but <u>one</u> homepage for a customer implementing the invention. Again, Applicant's claim 15 recites multiple home pages.

B.8. <u>Claim 15 is Nonobvious Over the Cited References</u>.

Applicant incorporates by reference the same essential comments set forth above for claim 1. In particular, because the cited art appears to lack various claim features, Applicant does not believe that the rejection can demonstrate that such missing features are existing prior art or known elements, so claim 15 cannot be a combination of *prior art* elements according to known methods, a simple substitution of one *known element* for another, a use of a *known technique* to improve a similar device in the same way, nor a *known work* (or variation thereof) in one field of endeavor the prompts its use in the same or different field. No evidence has been presented to show that claim 15 is an obvious choice from a finite number of predictable solutions.

Further, the rational relied upon to allege obviousness is based on various errors, and teachings present in the cited reference teach away from combination as well as the rejected claim.

For these reasons, Applicant respectfully requests the rejection of claim 10 be reconsidered.

C.   Rejection of Claim 11 Under 35 U.S.C. §103(a), as being allegedly unpatentable based on *Wittsche* in view of *Cronin* further in view of *Burg et al.* and further in view of *Reyda et al.* even further in view of *Anuff et al.* (U.S. Patent No. 6,327,628).

This ground for rejection is defective.

The rejection of corresponding independent claim 10 relies on the reference *Johnson et al.* The above rejection does not rely on *Johnson et al.* Accordingly, this ground for rejection should be withdrawn, or a new ground for rejection entered.

If the rejection is alleging the unpatentabilty of claim 11 based on *Wittsche* in view of *Cronin* further in view of *Burg et al.* and further in view of *Reyda et al.* even <u>further in view of *Johnson et al.*</u>, and even further in view of *Anuff et al.*, to the extent that this ground for rejection relies on the combination of *Wittsche/Cronin/Burg et al/Reyda et al./Johnson et al.*, the comments set forth above for Claim 10 are incorporated by reference herein.

In addition, it is submitted that the rejection has not demonstrated that *Anuff et al.* can cure the deficiencies identified in the rejection of claim 10.

D.   Rejection of Claim 14 Under 35 U.S.C. §103(a), as being allegedly unpatentable based on *Wittsche* in view of *Cronin* further in view of *Burg et al.* and further in view of *Reyda et al.* still further in view of *Spagna et al.* (U.S. Patent No. 6,587,837).

This ground for rejection is defective for the same reasons as claim 11.

The rejection of corresponding independent claim 10 relies on the reference *Johnson et al.* The above rejection does not rely on *Johnson et al.* Accordingly, this ground for rejection should be withdrawn, or a new ground for rejection entered.

If the rejection is alleging the unpatentability of claim 14 based on *Wittsche* in view of *Cronin* further in view of *Burg et al.* and further in view of *Reyda et al.* even <u>further in view of *Johnson et al.*</u>, and even further in view of *Anuff et al.*, to the extent that this ground for rejection relies on the combination of *Wittsche/Cronin/Burg et al/Reyda et al./Johnson et al.*, the comments set forth above for Claim 10 are incorporated by reference herein.

In addition, it is submitted that the rejection has not demonstrated that *Spagna et al.* can cure the deficiencies identified in the rejection of claim 10.

Applicant notes that the comments above directed to particular independent claims should not be construed as a representation regarding the separate patentability of any other dependent claims. Applicant will demonstrate the separate patentability of dependent claims at a later point in the proceeding, including on appeal.

The present claims 1, 3, and 6-18 are believed to be in allowable form. It is respectfully requested that the application be forwarded for allowance and issue.

Respectfully Submitted,

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